

Application Serial No. 10/564,771
Reply to office action of March 25, 2008

PATENT
Docket: CU-4657

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-16 are pending before this amendment. By the present amendment, claims 1, 8, and 13-15 are amended. No new matter has been added.

In the office action (page 2), claim 14 stands rejected under 35 U.S.C. §101 as claiming an invention directed to non-statutory subject matter.

The reason for the rejection is that the claim 14 is directed to "software per se" and lack the "physical articles or objects to constitute a machine or a manufacture."

According to MPEP 2106.01(I):

"When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim."

The applicants note that claim 14 as amended is now directed to a product claim per

MPEP 2106.01(I):

--~~[[In]] A system for addressing a media resource addressing device~~ for an MPEG (motion picture experts group)-21 file including a meta data box including a DID and a media data box, the system comprising a processor and a computer readable storage device encoded with a computer program a media-resource-addressing-device comprising:--.

As amended, claim 14 "defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized" (MPEP 2106.01(I)). The applicants respectfully request withdrawal of the rejection with respect to claim 14 and an indication of allowable subject matter with respect to claim 14.

In the office action (page 3), claims 1-16 stand objected to under 35 U.S.C. §112,

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¶2 as being indefinite on grounds that the recitation of "standard location information" in the claims is unclear. The applicants respectfully disagree.

The examiner appears to be interpreting the term "standard" as meaning a "standard" in the art; however, this is not how the applicants use the term "standard location information." The present invention is directed toward a media resource addressing method and device particularly having to do with the MPEG-21 (motion picture experts group) format. The terms and language for the MPEG-21 format have not been fully standardized. Therefore, the applicants have given the term "standard location information" to refer to that information generated by the standard location information generator 230 obtained by reading the digital item declaration (DID) and any media resources referenced therein. The standard location information is based on the media resource referenced in the DID and is stored in the meta data region 110 of the ISO media file format as seen in FIG. 1 (specification page 9, line 10 - page 10, line 3).

The applicants further explicitly describe the standard location information throughout the specification. For example, standard location information of a media resource may include an offset value as well as a mimeType (specification page 12, lines 11-16). The applicants have supplied a definite meaning as to the term "standard location information" and a person having ordinary skill in the art would recognize, in light of the specification, the definite meaning of the term as used.

MPEP 2173.05(a)(II) states:

New terms are often used when a new technology is in its infancy or is rapidly evolving. The requirements for clarity and precision must be balanced with the limitations of the language and the science. If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. 112, second paragraph) demands no

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more.

Accordingly, the applicants respectfully request withdrawal of the objection as the applicants have sufficiently defined the term "standard location information" throughout the application apprising those skilled in the art of both the utilization and scope of the present invention.

Claim 13 stands objected to as containing an informality. Claim 13 has been amended to remove the inadvertent minor typographical error "15" in accordance with the examiner's suggestion. Withdrawal of the objection is respectfully requested.

Claims 1-4, 6-8 and 14-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0108205 (Joyner). The "et al." suffix is omitted in a reference name.

The applicants respectfully **disagree**.

The present invention relates to a media resource addressing method and device in the MPEG-21 format. The MPEG-21 format is envisioned for building a distribution framework for distribution of multimedia information across different systems on the internet. The MPEG-21 format includes a DID (digital item declaration) for describing the digital item, which is the focus of the MPEG-21 format. Although the DID has been proposed for the MPEG-21 format, no detailed methods for addressing media resources in the DID have been disclosed.

The present invention reads a DID, extracts a media resource referenced in the DID, generates standard location information based on the extracted media resource, and files and generates a compatible MPEG-21 file (specification page 9, lines 7-9). In

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more detail, a DID is provided to a DID reader 210 (specification page 9, lines 10-13; FIG. 2). The DID reader 210 then reads the DID and determines whether a media resource is located in or out of the file and provides the reference information to the media resource extractor 220 (specification page 9, lines 10-13). The extracted media resource is then stored in the media data box 120 of the ISO media file format as seen in FIG. 1. The standard location info generator 230 generates standard location information on the stored media resource and stores the standard location information in the meta data region 110 of the ISO media file format (specification page 10, lines 1-3). Finally, the filing unit 230 files both the meta data region 110 and media data box 120 to generate a MPEG-21 file based on the ISO media file format (specification page 10, lines 1-3). As a result, a compatible MPEG-21 filing having media resources of the DID accurately addressed is obtained.

There is nothing in Joyner disclosing the presently claimed invention. Joyner is directed toward a method for providing encrypted data to a device (Joyner Abstract). Specifically, Joyner discloses a system for improving delivery of encrypted data via a network by encrypting data with a symmetric key and storing both the encrypted data and symmetric key for later retrieval (Joyner [0024]). Joyner teaches a content delivery system 100 in which a content provider 104 provides data to a server 103 to encrypt and store data (Joyner [0025]). The encrypted data can then be requested by a client 106 (Joyner [0025]). The content provider 104 can specify terms and conditions by which the data is provided to the client 106 (Joyner [0026]). Joyner mentions that the content provider 104 may compress the content according to any one of numerous formats (Joyner [0026]). Joyner mentions numerous MPEG standards and mentions

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MPEG-21 (Joyner [0026]). However, this is the extent to which Joyner discusses MPEG-21 and does not mention anything concerning a DID or extraction of information from a DID as in the present invention. Simply put, Joyner teaches a method of delivering encrypted data through storage in a server 102 and exchange of an encryption key and the encrypted data with a client 106. Joyner discloses nothing in regards to the generation of an MPEG-21 file or the --addressing [of] a media resource-- found in a DID.

The examiner argues that Joyner does teach a DID and the storage of content in MPEG-21 format (OA, page 7-8). The applicants are perplexed as to how the examiner has come to this conclusion. The examiner states that Joyner "clearly teaches the distribution of a multimedia according to the framework provided [0026]." However, this in no way teaches the MPEG-21 format or --DID-- file in the present invention. The applicants assume that the examiner is drawing from the background portion of the present invention stating that MPEG-21 "aims at building distribution frameworks. . . and distribution of multimedia information" (specification page 1, lines 9-11). MPEG-21 is not a framework as understood by the examiner but is a file format to **promote** the formation of a distribution framework. Specifically, the presently claimed invention generates an MPEG-21 file based on the --DID-- (specification page 10, lines 1-3). There is no file creation in Joyner other than basic compression and encryption. To analogize the delivery system of Joyner as being the same as the creation of the MPEG-21 file based on a DID according to the present invention is to misinterpret both the presently claimed invention and Joyner.

The examiner argues that Joyner teaches the limitation --storing the extracted

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media resource in the media data box of the media file— of amended claim 1. The examiner states, “the reference clearly teaches the storage of the content in MPEG-21 and in a storage device coupled to the media [0026-0027]” (OA, page 8). This does not teach the limitation of claim 1 as stated above. The examiner is attempting to argue that a file stored in a data storage device 116 is analogous to the media data box 120 of the present invention. The media data box 120 is a part of a WD1.1-based ISO media file format (specification page 7, lines 13-17). It is the basic format for a **file**. The media data box 120 is not a storage device to store an MPEG-21 file as asserted by the examiner, but is how a media resource is stored within a MPEG-21 file according to the ISO media file format (specification page 9, line 17 - page 10, line 3).

The examiner’s argument that Joyner teaches “the server receiving the content, formatting it and storing it [0027]” does not teach the limitations of amended claim 1:

—generating standard location information of the media resource extracted from the DID;

storing the generated standard location information in the meta data box of the media file; and

filing the meta data box and the media data box to generate the media file—

Once again the examiner is construing the present invention as what happens to a file in regards to the delivery of a file, whereas the present invention deals with the formation of a file based on a DID. The examiner continually refers to the media data box 120 of the present invention as the data storage device 116 of Joyner, however they are not alike. The media data box 120 and the meta data box 110 are a part of a WD1.1-based ISO media **file format**. That is, the media data box 120 and meta data box 110 of the present invention is that which makes up a **file**. The media data box 120

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is the location within the file format that a file is stored for creation of a MPEG-21 file and it's location within the media data box 120 is recorded in the meta data box 110 of the file (specification page 10, liens 1-12). In contradistinction, Joyner deals with the movement, storage and encryption of a file. Joyner has absolutely nothing to do with the formation or media file format of a file and therefore cannot teach the use of a DID to generate a file. Accordingly, Joyner cannot teach anything concerning a media resource extracted from a DID as claimed in amended claim 1 of the present invention.

Accordingly, Joyner does not anticipate the limitations of claim 1. An indication of allowable subject matter with respect to claim 1 is respectfully requested.

As to claims 2-4 and 6-7, the applicants respectfully submit that these claims are allowable at least since they depend from claim 1, which is now considered to be in condition for allowance for the reasons above.

As to claim 8, Joyner does not anticipate claim 8 of the present invention for many of the same reasons elaborated above for claim 1. Therefore, the applicants would like to resubmit the above arguments made for claim 1. The examiner argues (page 8) that the reference teaches —using the reference information of the media resource and the reference information of the second media file, and generating standard location information—. As support, the examiner states that the “reference clearly teaches the storage of content in different encryption types and also the generation of content along with the encryption key [0027], which teaches multiple file types and its reference information.” This again is a mischaracterization of the present invention. When the DID of the present invention contains a media resource that is referred to outside of the file, the present invention creates addressing information as

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standard local information containing the location of the file and any further standard local information of another MPEG-21 file (specification page 14, lines 8-14; page 15, lines 8-12; page 18, lines 3-7). The present information does not create "several versions of the same content" as referenced by the examiner (Joyner [0027]).

An MPEG-21 file uses the DID file to hold information pertaining to multiple media resources so that the MPEG-21 file represents a digital item that may include more than one media resource. As such, the --second media file-- of the present invention is not another "version" of the first media file as suggested by the examiner, but a separate media resource that makes up the digital item described in the DID. Joyner does not mention anything in regards to a --second media file-- as in the presently claimed invention or generating standard location information based on such.

Accordingly, Joyner does not anticipate the present invention of claim 8. An indication of allowable subject matter with respect to claim 8 is respectfully requested.

As to claim 14, the examiner states that claim 14 is a device of claim 1, and "Joyner et al. teaches the limitations of claim 1 for the reasons stated above." As the applicants stated above, Joyner does not teach the elements of claim 1, and therefore the applicants would like to resubmit the above arguments for claim 1. Additionally, nowhere in Joyner is there: a DID reader for reading reference information of the media resource recorded in the DID . . . ; a media resource extractor for extracting the media resource . . . ; a standard location generator for generating standard location information . . . ; and a filing unit for filing Nowhere, in Joyner is there any mention whatsoever of any of the elements stated in claim 14. As such, Joyner does not anticipate claim 14, and an indication of allowable subject matter with respect to claim

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14 is respectfully requested.

As to claim 15, the examiner states that claim 15 is a medium of claim 1, and "Joyner et al. teaches the limitations of claim 1 for the reasons stated above." As the applicants stated above, Joyner does not teach the elements of claim 1, and therefore the applicants would like to resubmit the above arguments for claim 1. As such, Joyner does not anticipate claim 15, and an indication of allowable subject matter with respect to claim 15 is respectfully requested.

Claims 5, 9-13 and 16 stand rejected under 35 U.S.C. §103(a) as being obvious over Joyner in view of U.S. Patent No. 6,580,756 (Matsui). The "et al." suffix is omitted in a reference name.

The applicants respectfully submit that these claims are allowable at least since they depend from either claim 1, claim 8, or claim 15, which are now considered to be in condition for allowance for the reasons above.

All amendments made in this response were made as clarifying amendments and not to traverse the cited prior art references. None of the amendments made would constitute new matter necessitating a new search.

For the reasons set forth above, the applicants respectfully submit that claims 1-16, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office

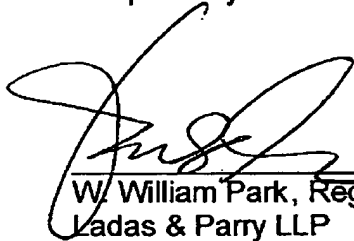
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action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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